

REFERENCE TITLE: eminent domain; public uses

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1110

Introduced by

Senators Blendu: Gould, Harper, Martin; Representative Weiers JP

AN ACT

AMENDING SECTION 12-1111, ARIZONA REVISED STATUTES; RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-1111, Arizona Revised Statutes, is amended to
3 read:
4 12-1111. Purposes for which eminent domain may be exercised
5 Subject to the provisions of this title, the right of eminent domain
6 may be exercised by the state, ~~BY~~ a county, city, town, village, or
7 political subdivision, or by a person, for the following uses:
8 1. All public uses authorized by the government of the United States.
9 **ECONOMIC BENEFIT, INCLUDING ANY INCREASE IN TAX REVENUES, BY ITSELF IS NOT A**
10 **PUBLIC USE.**
11 2. Buildings and grounds for any public use of the state and all other
12 public uses authorized by the legislature.
13 3. Buildings and grounds for the use of a county, city, town or school
14 district.
15 4. Canals, aqueducts, flumes, ditches or pipes, for conducting water
16 for the use of the inhabitants or for drainage of a county, city, town or
17 village.
18 5. Raising the banks of streams, removing obstructions therefrom, or
19 widening, deepening or straightening their channels.
20 6. Roads, streets and alleys, and all other public uses for the
21 benefit of a county, city, town or village, or the inhabitants thereof, which
22 is authorized by the legislature. The method of apportioning and collecting
23 the costs of the improvements authorized by paragraphs 3, 4, 5 and 6 shall be
24 as provided in the law by which they are authorized.
25 7. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads,
26 byroads, plank and turnpike roads and highways.
27 8. Steam, horse, mule, electric and cable railroads or railways.
28 9. Telegraph and telephone lines and conduits for public
29 communication.
30 10. Electric light and power transmission lines, ~~pipe lines~~ PIPELINES
31 used for supplying gas, and all transportation, transmission and
32 intercommunication facilities of public service agencies.
33 11. Aviation fields.
34 12. Reservoirs, canals, ditches, flumes, aqueducts and pipes, for the
35 use of a county, city, town or village, or its inhabitants, or for public
36 transportation for supplying mines and other industrial enterprises, farms
37 and farm neighborhoods with water for irrigation, domestic and other needful
38 purposes, and for generating electricity.
39 13. Draining and reclaiming lands, and for floating logs and lumber on
40 nonnavigable streams.
41 14. Roads, tunnels, ditches, flumes, pipes and dumping places for
42 working mines, and outlets, natural or otherwise, for the flow, deposit or
43 conduct of tailings or refuse matter from mines, and an occupancy in common
44 by the owners or possessors of different mines, or any place for the flow,
45 deposit or conduct of tailings or refuse matter from their several mines.

- 1 15. Byroads leading from highways to residences and farms.
- 2 16. Private canals, ditches, flumes, aqueducts and pipes for conducting
- 3 water from natural ~~water courses~~ WATERCOURSES or bodies or from public
- 4 sources where the lands to be irrigated are not directly reached by such
- 5 natural ~~water course~~ WATERCOURSE or public sources.
- 6 17. ~~Pipe lines~~ PIPELINES to carry petroleum, petroleum products or any
- 7 other liquid.
- 8 18. Rights-of-way, station grounds, pits, yards, sidetracks and other
- 9 necessary facilities for railways.